

STUART F. DELERY
Acting Assistant Attorney General, Civil Division

MELINDA HAAG (CABN 132612)
United States Attorney for the Northern District of California

MAAME EWUSI-MENSAH FRIMPONG (CABN 222986)
Deputy Assistant Attorney General, Civil Division

MICHAEL S. BLUME (PA 78525)
Director, Consumer Protection Branch

ADRIENNE E. FOWLER*
Trial Attorney, Consumer Protection Branch, U.S. Department of Justice
450 5th St. NW, Room 6400
Washington, DC 20530
(202) 514-9471
(202) 514-8742 (fax)
Adrienne.E.Fowler@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:12-cv-04177-HRL
)	
Plaintiff,)	[PROPOSED] STIPULATED ORDER
v.)	FOR PERMANENT INJUNCTION AND
)	CIVIL PENALTY JUDGMENT
GOOGLE INC.,)	
)	
Defendant.)	
)	
)	

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC” or the “Commission”), has commenced this action by filing a Complaint pursuant to Sections 5(l) and 16(a) of the Federal

* Member in good standing of the New York Bar, which does not issue bar numbers.

Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(*l*) and 56(a). Defendant, Google Inc. (“Defendant”), has waived service of the summons and the Complaint. The parties, represented by the counsel identified below, have agreed to this settlement of the action without adjudication of any issue of fact or law.

The parties have consented to the entry of this Stipulated Order for Permanent Injunction and Civil Penalty Judgment (“Order”) to resolve all matters of dispute between them in this action and any claim that Defendant’s conduct in connection with the matters alleged in the Complaint violated the FTC Act or the FTC Decision and Order in FTC Docket No. C-4336 (2011) (“the FTC Order”). However, this Stipulated Judgment and Order does not resolve or impact any matter alleged to violate the antitrust laws of the United States.

THEREFORE, it is hereby ORDERED as follows:

STIPULATED FACTS

1. In its Complaint, Plaintiff alleges that Defendant violated Part I of the FTC Order.

2. Defendant denies any violation of the FTC Order, any and all liability for the claims set forth in the Complaint, and all material allegations of the Complaint save for those regarding jurisdiction and venue.

3. This Court has jurisdiction over the subject matter of this case and jurisdiction over all parties pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(*l*) and 56(a).

4. Venue is proper as to all parties in this District.

5. The Complaint states a claim upon which relief may be granted against Defendant under Section 5(*l*) of the FTC Act, 15 U.S.C. § 45(*l*).

6. The alleged acts and practices of Defendant are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44, as “commerce among the several States or with foreign nations.”

7. Defendant enters into this Order freely and without coercion. Defendant further acknowledges that it has read the provisions of this Order and is prepared and able to abide by them.

8. Defendant waives any claim that it may hold under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear its own costs and attorneys' fees.

DEFINITIONS

1. "Defendant" means Google Inc. and its successors and assigns.

2. "DoubleClick.net Cookie" means any third-party cookie Google has placed from doubleclick.net.

3. "Browser" means a standalone desktop or mobile software application that allows users to enter URLs and navigate to and display web pages.

I. CIVIL PENALTY JUDGMENT

IT IS ORDERED that judgment in the amount of twenty-two million five hundred thousand dollars (\$22,500,000) is hereby entered against Defendant as a civil penalty pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

A. Within five (5) days of entry of this Order, Defendant shall transfer the civil penalty payment in the form of an electronic fund transfer in accordance with the procedures specified by the Consumer Protection Branch, Civil Division, U.S. Department of Justice, Washington, DC 20530.

B. In the event of any default in payment, the entire unpaid amount, together with interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of payment, shall immediately become due and payable.

C. Defendant relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendant shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise.

II. REMEDIATION

Until February 15, 2014, Defendant will maintain systems configured to instruct Safari-brand web browsers to expire any DoubleClick.net cookie placed by Defendant through February 15, 2012 if those systems encounter such a cookie, with the exception of the DoubleClick opt-out cookie.

III. COMPLIANCE REPORTING

Google shall file a report, under penalty of perjury, with the Commission within twenty (20) days after February 15, 2014 setting forth how it has complied with the Remediation requirement. Unless otherwise directed in writing by a representative of the Commission, the report shall be emailed to Debrief@ftc.gov and sent by overnight courier (not the U.S. Postal Service) to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line "In re Google Inc., FTC File Number C-4336."

SO ORDERED this ____ day of _____, 2012.

UNITED STATES DISTRICT JUDGE

FOR PLAINTIFF UNITED STATES OF AMERICA:

STUART F. DELERY

Acting Assistant Attorney General, Civil Division

MELINDA HAAG

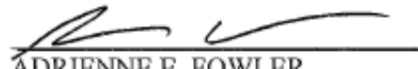
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Deputy Assistant Attorney General, Civil Division

MICHAEL S. BLUME

Director, Consumer Protection Branch



ADRIENNE E. FOWLER

Trial Attorney

Consumer Protection Branch

Department of Justice, Civil Division

450 5th St. NW, Suite 6400

Washington, DC 20530

(202) 514-9471

(202) 514-8742 (fax)

Adrienne.E.Fowler@usdoj.gov

Dated: 8/7/12

1 ~~FOR THE FEDERAL TRADE COMMISSION:~~

2 

3 MEGAN E. GRAY

4 Attorney

5 MEGAN A. BARTLEY

6 Attorney

7 Federal Trade Commission

8 Bureau of Consumer Protection

9 Division of Enforcement

600 Pennsylvania Avenue, N.W.

Mail Drop M-8102B

Washington, DC 20580

(202) 326-3408, mgray@ftc.gov

(202) 326-3424, mbartley@ftc.gov

(202) 326-2558 (fax)

10 Dated: 7/31/12

FOR THE DEFENDANT:

Kent Walker

Kent Walker
Sr. Vice President & General Counsel
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dated: 6 / 18 / 12

COUNSEL FOR THE DEFENDANT:

Leo P. Cunningham
WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation
650 Page Mill Road
Palo Alto, CA 94022
(650) 565-5100
lcunningham@wsgr.com

Lydia Parnes
WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
lparnes@wsgr.com

Dated: _____

FOR THE DEFENDANT:

Kent Walker
Sr. Vice President & General Counsel
Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dated: _____

COUNSEL FOR THE DEFENDANT:



Leo P. Cunningham
WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation
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Palo Alto, CA 94022
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lcunningham@wsgr.com

Lydia Parnes
WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation
1700 K Street NW, Fifth Floor
Washington, D.C., 20006-3817
lparnes@wsgr.com

Dated: 6/18/12